

“More than Counter-Terrorism: Rethinking U.S. Policy toward Somalia”

**Testimony to the House Committee on International Relations Subcommittee on Africa,
Global Human Rights, and International Operations**

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Thank you, Mr. Chairman, for the invitation to testify at this hearing, and for the committee’s interest in the crisis in Somalia.

After years of politics defined by impasse and paralysis, Somalia has entered a period of dramatic political upheaval and renewed violence. Following several months of heavy clashes, the Union of Islamic Courts (UIC) has scored a decisive victory against Mogadishu’s major faction leaders, taken control of the capital city and its environs, and established itself as the dominant authority throughout much of southern Somalia. The prospects for a bitter showdown between the Courts and the Transitional Federal Government (TFG), based in Baidoa, remain very real.

The current situation in Somalia is in part a product of international counter-terrorism strategies, notably those of the United States and Ethiopia. The international response to recent developments must be finely calibrated in order to ensure that it attenuates the potential threat of transnational terrorism from Somalia, and does not inadvertently compound it.

In the weeks ahead, policy decisions by key actors -- especially the U.S. and Ethiopia -- will have a profound impact on Somalia’s political future. External efforts to mediate between the Courts and the transitional government offer at best modest hopes that a power-sharing deal can still be secured. Despite a successful first round of talks between the Courts and the transitional government earlier this month in Khartoum, Sudan, the two sides remain profoundly hostile to one another and the risk of armed confrontation remains high.

As a matter of urgency, international and local actors must work to reverse the country’s current slide toward war. If diplomatic efforts fail, Somalia is likely to be politically split, with a virtually moribund transitional government remaining in portions of the Somali hinterland and a parallel Islamist administration controlling Mogadishu and surrounding areas. The probability of Ethiopia injecting its own troops into Somalia in support of the transitional government would increase significantly -- with disastrous humanitarian consequences for civilians and grave repercussions for regional stability. Unfortunately, hardliners in both camps may continue to see polarization and armed confrontation in their best interests.

I. U.S. POLICY RESPONSE – A NEW DIRECTION

Effective counter-terrorism policies must be situated within a framework of comprehensive engagement designed to promote reconciliation, rebuild the Somali state, and resuscitate essential social services. At the same time, any engagement with the Courts must be framed in such a way that it does not privilege the role of the Courts at the expense of other community leaders of the Hawiye clan.

The proper sequencing of foreign assistance and policy formulation is essential to avoid inadvertently provoking conflict. No external actions designed to strengthen the security posture of either the transitional government or the Courts should be taken until the two sides first negotiate a power-sharing accord. Calls for partially lifting the arms embargo on Somalia are remarkably ill-advised, and I think I am safe to say that the last thing Somalia needs is more weapons at this juncture in its history. It is also important to note that introducing a regional peacekeeping force into Somalia -- absent concrete initiatives to help stand the transitional government up as a genuine government of national unity -- will be directly interpreted by the Courts and other constituencies as a threat to their security. Such a move could well trigger attacks on both the transitional government and arriving peacekeeping forces.

Likewise, some supporters of the transitional government have argued that the U.S. must shift its counter-terrorism partnership away from the failed Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT) to the transitional government. But while routine cooperation on matters of international security is not controversial, robust financial and other support to the transitional government for counter-terrorism initiatives could easily provoke armed conflict unless the transitional government expands into a genuine government of national unity.

Both the transitional government and the Courts must send signals aimed at reducing tensions and reopening possibilities for negotiations. Once the immediate threat of war is reduced external mediators must provide robust support to the transitional government, the Courts (and possibly other groups) to negotiate a power-sharing agreement with the aim of producing a government of national unity. Political representatives of both the transitional government and the Courts must come under considerable and sustained pressure from both international actors and local citizens.

Actions Needed Now

Over the short term, the U.S. government and its international partners should:

- Press the transitional government to broaden its support base by incorporating credible, high level leaders from important constituencies who currently feel alienated (i.e. the Habar Gidir 'Ayr, moderate Islamists, and others) and by ensuring greater balance in the security sector along clan and factional lines. The U.S. and its partners should condition the provision of aid to the transitional government on it taking concrete steps to create a government of national unity.

- Negotiations for the establishment of a government of national unity should include discussions of a phased relocation of the Transitional Federal Institutions (TFIs) to Mogadishu, the constitutional capital of Somalia.
- Encourage the Courts, the current Mogadishu municipal administration, and other community leaders to establish a single authority for the Banadir (greater Mogadishu) area, to which international partners can direct strictly humanitarian aid and support.
- Demand a revision of the transitional government's National Security and Stabilization Plan in light of recent developments. In this context, the U.S. government should prevail upon the African Union (AU) and United Nations (UN) Security Council to set aside the transitional government's request for an exemption to the arms embargo aimed at paving the way for the deployment of a peacekeeping force in Somalia led by the East African regional organization, the Intergovernmental Authority for Development (IGAD).
- Engage with Somaliland to demonstrate support for its democratic achievements and counter-terrorism achievements; encourage the AU to become seized of the sovereignty dispute through the appointment of a Special Envoy and assign Somaliland interim observer status at the continental organization.

II. BACKGROUND

The current crisis is the product of several political trends over the past six years. First is the alienation of much of the Hawiye clan-family. The Hawiye dominated the previous attempt to create a transitional government in 2000. The process was undermined by coalition of rejectionists led by current transitional government President Abdullahi Yusuf and backed by Ethiopia. Powerful sub-clans within the Hawiye are now marginalized in the current transitional government, which constitutes a narrow coalition and not a broad-based government. The domination of the transitional government and its security sector by the Darood/Mijerteen clan, its close links to Ethiopia, its decision to base the transitional government in the towns of Jowhar and now Baidoa rather than Mogadishu, and its call for regional peacekeepers have all alienated large sections of the Hawiye clan. Though first and foremost an Islamist movement, the Courts is also a manifestation of Hawiye interests and resistance. Unless the transitional government is reconstituted into a true government of national unity, it will face continued resistance from the bulk of the Hawiye clan, denying it access to the greater Mogadishu area and parts of central Somalia.

The current crisis is also a by-product of the long-term decline of Mogadishu factional leaders. The factions, which a decade ago enjoyed a monopoly on political representation in Somalia, have gradually faded in importance, creating a political vacuum filled by the Islamists. Their decline was driven by a number of factors, including their own unwillingness to provide basic services and rule in areas they controlled and the rise of rival business elites. Ultimately, their cynical exploitation of counter-terrorism partnerships with the U.S. and other foreign governments for the pursuit of parochial interests and rivalries to the detriment of the Mogadishu public undermined their remaining legitimacy and credibility.

Third, the rise of the system of Sharia courts in Mogadishu -- a trend which began a decade ago, as a local coping mechanism to deal with chronic lawlessness -- has played a central role in the current crisis. The clan-based Sharia courts -- almost all of which are affiliated with Hawiye lineages -- are valued by local populations and business interests, and constitute one of the few sources of local governance in southern Somalia. They form the backbone of the Union of Islamic Courts, a loose umbrella group of Islamists whose leaders have in the past four years developed a well-trained militia and independent sources of funding. Among the Courts leadership are hardliners who control key military command positions. The political ascent of the Courts was already apparent since 2004, but was accelerated by the formation of the transitional government and the February 2006 formation of the APRCT.

III. OPTIONS FOR ENGAGEMENT

Counter Terrorism and the Need for Comprehensive Engagement

U.S. support to militia leaders in the ARPCT was conceived as a partnership with a narrow counter-terrorist aim: the apprehension and rendition of a small number of foreign al-Qaeda operatives the U.S. government claims are in safe houses in Mogadishu under the protection of Somali radicals. Somali militants who are believed to provide protection and support to these operatives used to be a marginal group, but in July last year, the Courts formally appointed their military commander, Aden Hashi Ayro, to a position of leadership. Since then, extremist elements within the courts have continued to expand their influence and today enjoy formal status within the Courts.

Unfortunately, U.S. backing for the ARPCT produced badly unintended consequences. Far from advancing counter-terrorist objectives, the Alliance's existence and performance strengthened the Somalia's ascendant political Islamist movement, and emboldened the radical wing of Mogadishu's Islamists, which successfully used the war as a recruitment tool and an anti-Western rallying call. Those hardline Islamists have also succeeded in conflating their cause with the broadly popular call for law and order and an end to warlordism in Mogadishu, thereby winning support from many Somalis who otherwise would reject their radical interpretation of political Islam.

The dramatic failure of this approach underscores the imperative that counter-terrorism efforts be situated within a broader strategy of comprehensive engagement. As Crisis Group has consistently argued since July 2005, the threat of *jihadi* terrorism from Somalia can ultimately be addressed only through the restoration of stable, legitimate and functional government. Dealing with that threat requires Somalia's friends to do more to assist in promoting reconciliation, rebuilding the state and resuscitating essential social services. But such assistance must be carefully planned and calibrated in order to ensure that it does not empower one faction at the expense of another or otherwise destabilize a fragile peace process.

1. A Government of National Unity

The victory of the Islamic Courts owes less to popular support for an Islamist political platform than a widespread sense of disenfranchisement within the Mogadishu public and the broader Hawiye community of south-central Somalia. Alienation from the transitional government, which many perceived as beholden to foreign interests, and resentment at U.S. support for unpopular faction leaders, gave rise to a wave of popular protest that carried the Courts to power.

Though created as a government of national unity, with all major clans represented in parliament through the "4.5 formula," the transitional government in its current form concentrates power and positions in the hands of some constituencies and clans while marginalizing or excluding others.¹ A number of powerful constituencies -- the Islamists, the Habar Gedir Ayr sub-clans, and others -- remain either outside of or marginal to the transitional government. Collectively, these groups constitute a powerful veto coalition over the transitional government's ability to expand its presence into the most populous parts of the country. Bringing these groups more fully into the transitional government is imperative if the transitional government is to claim it governs anything more than portions of the Somali hinterland. Until the transitional government negotiates with these groups to form a true government of national unity, it remains exceptionally vulnerable to spoilers and stands little chance of spreading its administration into the Benadir triangle -- the strategic territory from Lower Shabelle region through Mogadishu to Balad where the Islamic Courts now hold sway.

Negotiations intended to produce a genuine government of national unity will also have to consider a phased relocation of the Transitional Federal Institutions to Mogadishu, ideally led by a new, broadly acceptable Prime Minister and his cabinet. The parliament and presidency could move at later dates, subject to agreed terms and guarantees. Obviously, moving these institutions to Mogadishu will be unacceptable to the transitional agreement unless the step is part of some broader deal.

The National Security and Stabilization Plan approved earlier this month by the Transitional Federal Parliament must also be revised. The current version of this document, which calls for an exemption for the transitional government from the UN arms embargo and for the deployment of a regional peace support operation, is seriously out of date. The 2002 ceasefire on which it based lies in tatters and was anyway never signed by the Courts. Nor are the Courts party to the Transitional Federal Charter, which is supposed to serve as a comprehensive peace agreement. The Courts' leaders have made it clear that they oppose both the proposed exemption to the arms embargo and the deployment of foreign peacekeepers.

2. A Single Authority for Mogadishu

Although the Courts currently exert de facto control over Mogadishu and its adjacent areas, it faces genuine challenges from various political, civic and traditional leaders, sub-clan interests and commercial concerns. Many Mogadishu residents, while acknowledging the current military dominance of the courts as an organization, continue to perceive the recently established Banadir

¹ The so-called "4.5 formula" is a power sharing formula established under the Transitional National Charter. It established a parliament composed of 61 seats for each of the four major clan groups and 31 seats for the remaining "minority" groups.

(Mogadishu) Administration, headed by Mr. Adde Gabow, as a more broadly-based and legitimate political authority. The United States should encourage these rival authorities to reach agreement on a single, unified administration for Mogadishu. This would provide greater stability and security for the people of Mogadishu, while making the Courts more accountable to mainstream (generally moderate) Somali public opinion.

3. Strategic, Sequenced Support

Well-intentioned donor support designed to help strengthen the transitional government's capacity could easily lead to even greater polarization and violence within southern Somalia if not preceded by accords to reshape the transitional government into a genuine government of national unity. The transitional government is not a ready-made alternative to the ARPCT as a partner in U.S. counter-terrorism efforts. On the contrary, the transitional government will be at its most vulnerable if it begins to secure sizable external assistance while remaining a narrow coalition. If this occurs, constituencies currently outside the transitional government may well preemptively attack it to curtail what they would likely see as an emerging security threat. Given the rapid consolidation of Islamist control over Mogadishu, a policy which isolates or attacks them as a group is untenable and would only drive more moderate Islamists and many ordinary Somalis into a tighter alliance with hardliners. It might also serve as a disincentive for the transitional government leadership to take necessary but painful political choices in reshaping the interim government.

The only strategy which stands a chance of success in ending Somalia's current crisis is one which focuses first on negotiations toward a government of national unity, followed by aid and policies designed to strengthen the administrative and security sector capacity of the transitional government. A strategy which reverses this sequence -- first building up the transitional government's coercive capacity and then promoting negotiations with the transitional government's rivals -- sets the transitional government up for armed hostilities, sabotage, and almost certain collapse.

4. Engagement with the Union of Islamic Courts

The UIC is a heterogeneous body that includes Islamist groups with a range of ideologies. Although there is a genuine risk that hardliners will come to dominate the Courts' leadership and agenda, at this moment such an outcome is by no means assured. The U.S. government and its international partners should engage with the Courts in a way that reinforces moderate conduct.

Extremists, however, have been rapidly consolidating their influence within the Courts. Sheikh Hassan Dahir Aweys has been nominated to the chairmanship of the Courts "*Shura*", or "consultative council"; he has previously served as a senior leader of the Somali jihadi Islamist movement, *al-Itihaad al-Islami* (AIAI) and has been designated by the U.S. and UN as an individual with links to terrorism. Ethiopia, Somalia's largest and most important neighbor, also believes that Aweys shares responsibility for terrorist attacks in Addis Ababa and Dire Dawa in the mid-1990s. Aweys has denied any involvement in terrorism.

Additional seats on the *Shura* have been assigned to young militants associated with the aforementioned militia commander Aden Hashi Ayro, who has been linked to the murders of four aid foreign aid workers, a British journalist and renowned Somali peace activist Abdulqadir Yahya.

The involvement of such figures in the Courts makes any kind of international engagement a complex proposition. However, the Courts Executive Committee, which is led by the comparatively moderate Sheikh Sharif Sheikh Ahmed, does not include such high profile militants and should be explored as a channel of communication for international interlocutors.

First on the agenda for communication with the Courts should be its standing invitation for an international enquiry into its alleged links to terrorism and the suspected presence of al-Qaeda suspects in areas under its control. Whether or not the Courts would in fact guarantee investigators the kind of access, cooperation and security required to undertake such a task remains to be seen, but it should definitely be explored.

5. Somaliland

Lastly, while the United States should concentrate its efforts as a matter of urgency on the situation in southern Somalia, it should not overlook the achievements and potential of the self-declared Republic of Somaliland in northwest Somalia.

Somaliland has made notable progress in building peace, security and constitutional democracy within its de facto borders. Hundreds of thousands of refugees and internally displaced people (IDPs) have returned home, tens of thousands of landmines have been removed and destroyed, and clan militias have been integrated into unified police and military forces. A multi-party political system and successive competitive elections have established Somaliland as a rarity in the Horn of Africa and the Muslim world. As such it represents an example to the rest of Somalia and an alternative system of governance to that proposed by the Islamic Courts.

The U.S. government should engage with Somaliland in a manner intended to demonstrate support for its democratic achievements and its proven commitment to combat terrorism in the region. Concurrently, the U.S. should encourage the AU to become seized of the sovereignty dispute through the appointment of a Special Envoy and assigning Somaliland interim observer status at the continental organization.